

AMENDED IN SENATE AUGUST 28, 2006

AMENDED IN SENATE JUNE 14, 2006

AMENDED IN ASSEMBLY MAY 1, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1862

Introduced by Assembly Member Vargas

January 17, 2006

An act to add Section 4608.1 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1862, as amended, Vargas. Workers' ~~Compensation: first aid: report: compensation.~~

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment.

Existing law requires that an employer provide, among other medical benefits, medicines reasonably required to cure or relieve the injured worker from the effects of his or her injury.

This bill would authorize a pharmacy, a health care provider, an insurance company, or a self-insured entity to enter into a contract or agreement with an agent or assignee to provide specified services relating to the billing and processing of workers' compensation claims and the preparation and filing of required reports for that pharmacy, health care provider, insurance company, or self-insured entity.

Existing law requires an employer to provide a claim form and a notice of potential eligibility for workers' compensation benefits within one working day of receiving notice or knowledge of an employee's injury that results in lost time beyond the employee's work shift at the time of injury or that results in medical treatment beyond first aid. First aid is defined to mean any one time treatment, and any followup visit, for the purpose of observation of minor industrial injuries that do not ordinarily require medical care.

This bill would require the ~~Administrative Director of the Division of Workers' Compensation~~ *administrative director*, on or before July 1, 2008, to conduct a study and prepare and submit to the Governor and the Legislature, a report on first aid treatment provided to workers who have sustained minor industrial injuries and illnesses, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4608.1 is added to the Labor Code, to*
2 *read:*

3 *4608.1. Notwithstanding any other provision of this division,*
4 *a pharmacy, a health care provider, an insurance company, or a*
5 *self-insured entity may enter into a contract or agreement with*
6 *an agent or assignee to provide services including, but not*
7 *limited to, billing, claims processing and reimbursement, and the*
8 *preparation and filing of required reports for that pharmacy,*
9 *health care provider, insurance company, or self-insured entity.*

10 ~~SECTION 1.~~

11 *SEC. 2. On or before July 1, 2008, the Administrative*
12 *Director of the Division of Workers' Compensation shall conduct*
13 *a study and prepare and submit to the Governor and the*
14 *Legislature a report on first aid treatment provided to workers*
15 *who have sustained minor industrial injuries and illnesses, as*
16 *described in subdivision (a) of Section 5401 of the Labor Code.*
17 *The study and report shall include, but not be limited to,*
18 *information on all of the following:*

19 (i) *Whether additional followup visits should be allowed*
20 *consistent with the concept of first aid.*

- 1 (b) Whether the current definition of first aid creates
2 unreasonable pressures on injured workers and medical providers
3 not to report workplace injuries and illnesses. The report shall
4 also consider whether any recommended changes to the
5 definition of first aid in subdivision (a) of Section 5401 of the
6 Labor Code should be made that would promote both workplace
7 safety and timely reporting of injuries arising out of, and in the
8 course of, employment.
- 9 (c) Whether there has been a higher incidence of first aid
10 claims since the enactment of Section 5401 of the Labor Code.